



February 22, 2002

ENGROSSED

SENATE BILL No. 217

DIGEST OF SB 217 (Updated February 21, 2002 10:25 AM - DI 103)

Citations Affected: IC 2-5; IC 12-24; noncode.

Synopsis: Muscatatuck State Developmental Center downsizing. Requires the division of disability, aging, and rehabilitative services to take certain actions, including conducting public hearings, submitting a report to the legislative council and the commission on mental retardation and developmental disabilities, and developing a plan, before downsizing Muscatatuck State Developmental Center. Specifies conditions that must be met before Muscatatuck State Developmental Center may be downsized. Converts the commission on mental retardation and developmental disabilities to a statutory commission that expires on January 1, 2005. Specifies that the term of a lay member is three years. Requires the governor to fill a lay member vacancy within ten days after the vacancy occurs. Provides that under certain conditions the term of a lay member continues until a successor is appointed. Provides that the commission operates under the policies governing study committees adopted by the legislative council. Provides benefits to certain laid-off state employees. Appropriates \$500,000 for the retraining of former employees of Madison state hospital. Repeals noncode provisions concerning the commission.

Effective: July 1, 2001 (retroactive); March 1, 2002, (retroactive); upon passage; July 1, 2002.

Nugent

(HOUSE SPONSORS — LYTLE, DUNCAN)

January 7, 2002, read first time and referred to Committee on Health and Provider Services.

January 17, 2002, reported favorably — Do Pass.

January 24, 2002, read second time, amended, ordered engrossed.

January 25, 2002, engrossed.

January 29, 2002, read third time, passed. Yeas 43, nays 7.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

February 14, 2002, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to House Rule 127.

February 21, 2002, amended, reported — Do Pass.

ES 217—LS 6564/DI 98+



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February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 217

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-27 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2002]:

4 **Chapter 27. Commission on Mental Retardation and**
5 **Developmental Disabilities**

6 **Sec. 1. As used in this chapter, "commission" refers to the**
7 **commission on mental retardation and developmental disabilities**
8 **established under section 2 of this chapter.**

9 **Sec. 2. There is established the commission on mental**
10 **retardation and developmental disabilities as a legislative study**
11 **committee.**

12 **Sec. 3. (a) The commission consists of the following members:**

13 **(1) Two (2) members of the house of representatives**
14 **appointed by the speaker of the house of representatives. The**
15 **members appointed under this subdivision may not be**
16 **members of the same political party.**

17 **(2) Two (2) members of the senate appointed by the president**

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pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(3) The following members appointed by the governor:

(A) One (1) member at large.

(B) One (1) member who is a consumer of mental retardation or developmental disability services.

(C) One (1) member who is a representative of advocacy groups for consumers of mental retardation and developmental disability services.

(D) Two (2) members who are representatives of families of consumers of mental retardation and developmental disability services.

(E) One (1) member who is a representative of an organization providing services to individuals with mental retardation and developmental disabilities.

(F) Two (2) members who are representatives of a labor organization or union that represents state employees.

(b) The term of a commission member appointed under subsection (a)(3) is three (3) years.

(c) The governor shall fill a vacancy of a member under subsection (a)(3) within ten (10) days after the vacancy occurs.

(d) If:

(1) the term of a member appointed under subsection (a)(3) expires;

(2) the member is not reappointed; and

(3) a successor is not appointed;

the term of the member continues until a successor is appointed.

Sec. 4. The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet needs for mental retardation and developmental disability services, including the following:

(A) Community residential and family support services.

(B) Services for aging families caring for their children who are mentally retarded and developmentally disabled adults.

(C) Services for families in emergency or crisis situations.

(D) Services needed to move children and adults from

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- 1 nursing homes and state hospitals to the community.
- 2 (3) Study and make recommendations for the state to use state
- 3 employees or contract with a private entity to manage and
- 4 implement home and community based services waivers
- 5 under 42 U.S.C. 1396n(c).
- 6 (4) Study and make recommendations regarding state funding
- 7 needed to provide supplemental room and board costs for
- 8 individuals who otherwise qualify for residential services
- 9 under the home and community based services waivers.
- 10 (5) Monitor and recommend changes for improvements in the
- 11 implementation of home and community based services
- 12 waivers managed by the state or by a private entity.
- 13 (6) Review and make recommendations regarding the
- 14 implementation of the comprehensive plan prepared by the
- 15 developmental disabilities task force established by
- 16 P.L.245-1997, SECTION 1.
- 17 (7) Review and make recommendations regarding the
- 18 development by the division of disability, aging, and
- 19 rehabilitative services of a statewide plan to address quality
- 20 assurance in community based services.
- 21 (8) Annually review the infants and toddlers with disabilities
- 22 program established under IC 12-17-15.
- 23 Sec. 5. The commission shall operate under the policies
- 24 governing study committees adopted by the legislative council.
- 25 Sec. 6. The affirmative votes of a majority of the members
- 26 appointed to the commission are required for the commission to
- 27 take action on any measure, including final reports.
- 28 Sec. 7. This chapter expires January 1, 2005.
- 29 SECTION 2. IC 12-24-1-10 IS ADDED TO THE INDIANA CODE
- 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 31 UPON PASSAGE]: Sec. 10. (a) Notwithstanding any other law, the
- 32 director of the division of disability, aging, and rehabilitative
- 33 services may not terminate normal patient care or other operations
- 34 at Muscatatuck State Developmental Center unless the division has
- 35 complied with this section.
- 36 (b) The division shall conduct at least one (1) public hearing at
- 37 a handicap accessible location in the county where Muscatatuck
- 38 State Developmental Center is located to obtain written and oral
- 39 testimony from all persons interested in the effect that the center's
- 40 downsizing would have on:
- 41 (1) Muscatatuck State Developmental Center:
- 42 (A) residents;



- 1 (B) residents' families; and
 2 (C) employees; and
 3 (2) communities surrounding Muscatatuck State
 4 Developmental Center.
 5 (c) The division shall conduct a study of the following issues:
 6 (1) The risks to the health and well-being of residents of
 7 Muscatatuck State Developmental Center and the families of
 8 residents that arise from:
 9 (A) downsizing Muscatatuck State Developmental Center;
 10 and
 11 (B) transferring residents to new placements.
 12 (2) The types of placements needed to adequately serve
 13 residents of Muscatatuck State Developmental Center in a
 14 setting that is located within the vicinity of the families of
 15 residents, including:
 16 (A) the availability of adequate placements; and
 17 (B) the need to develop new placement opportunities.
 18 (3) The economic impact that downsizing will have on:
 19 (A) Muscatatuck State Developmental Center:
 20 (i) residents;
 21 (ii) residents' families; and
 22 (iii) employees; and
 23 (B) communities surrounding Muscatatuck State
 24 Developmental Center.
 25 (4) The existence of environmental hazards on the property
 26 where Muscatatuck State Developmental Center is located.
 27 (5) Opportunities for reuse of the Muscatatuck State
 28 Developmental Center property in a manner that will enhance
 29 the economy of the area.
 30 (d) After the public hearing required under subsection (b), the
 31 division shall submit a report to the legislative council and the
 32 budget agency that contains the following information:
 33 (1) A summary of the testimony received at the public hearing
 34 required under subsection (b).
 35 (2) The results of the division's study under subsection (c).
 36 (3) Other information the director of the division considers
 37 relevant.
 38 (e) The division shall develop a plan for the downsizing of
 39 Muscatatuck State Developmental Center. The plan must include
 40 the following:
 41 (1) A plan and timetable for placement of appropriate
 42 residents of Muscatatuck State Developmental Center in

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adequate placements that fully meet the needs of the residents before downsizing Muscatatuck State Developmental Center.

(2) A plan for allowing all Muscatatuck State Developmental Center employees to remain in their current collective bargaining units and classifications with the same or similar wages and benefits as current state employees. An employer shall recognize the current labor organization or labor union as the exclusive representative of the employees.

(3) A plan for moving residents to alternative placements that protects the physical health, mental health, and safety of the residents.

(4) A plan for keeping:

(A) Muscatatuck State Developmental Center:

(i) residents;

(ii) residents' families; and

(iii) employees; and

(B) communities surrounding Muscatatuck State Developmental Center;

informed of each significant step taken in the planning, resident placement, and downsizing process.

(5) An environmental plan for the elimination of any environmental hazards on the property where Muscatatuck State Developmental Center is located.

(6) A plan and timetable for the reuse of the Muscatatuck State Developmental Center property in a manner that will provide for the best economic use of the property.

(7) A plan for monitoring compliance with the standards set to assure the health and safety of residents, compliance with this section, and compliance with the plans developed under this section.

The division shall submit the plan required under this subsection to the legislative council and the budget agency at the same time that the report required under subsection (d) is submitted.

(f) The report required under subsection (d) and the plan required under subsection (e) must be approved by the budget director after review by the legislative council and the budget committee.

(g) The director may not complete the closure of Muscatatuck State Developmental Center until:

(1) the report and plan are approved by the budget director under subsection (f); and

(2) residents of Muscatatuck State Developmental Center are

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placed in adequate placements that:

- (A) fully meet the capabilities and needs of the residents;
- (B) are located sufficiently close to the families of residents so that the families may maintain the same level of contact with the residents that the families had before the residents were transferred from Muscatatuck State Developmental Center; and
- (C) are acceptable to the individual or the individual's representative.

SECTION 3. [EFFECTIVE MARCH 1, 2002, (RETROACTIVE)]

(a) Beginning March 1, 2002, the division of disability, aging, and rehabilitative services established by IC 12-9-1-1 shall provide a quarterly report regarding the status of the closure of Muscatatuck State Developmental Center to the commission on mental retardation and developmental disabilities.

(b) This SECTION expires July 1, 2005.

SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: P.L.272-1999, SECTION 67; P.L.242-2001, SECTION 3.

SECTION 5. [EFFECTIVE JULY 1, 2002] Notwithstanding IC 2-5-27-3, as added by this act, an individual who was appointed as a lay member of the Indiana commission on mental retardation and developmental disabilities in 2001 remains a member of the commission until:

- (1) the member resigns; or
- (2) January 1, 2004;

whichever is earlier.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "accrued leave" refers to the number of days the former employee had accrued as of the date of the employee's termination at the state agency for the following:

- (1) Vacation days exceeding thirty (30) days.
- (2) Sick days.
- (3) Personal days.

(b) As used in this SECTION, "former employee" means an individual who:

- (1) was employed at a facility operated by a state agency;
- (2) was terminated from employment after February 1, 2002, due to the closing or downsizing of the facility operated by the state agency; and
- (3) is not an employee of a state agency.

(c) As used in this SECTION, "state agency" includes the

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following:

(1) The division of disability, aging, and rehabilitative services (IC 12-9-1-1).

(2) The division of mental health and addiction (IC 12-21-1-1).

(3) The state department of health (IC 16-19-1-1).

(4) The department of correction (IC 11-8-2-1).

(d) A former employee is entitled to be paid an amount equal to the sum of the following:

(1) Full pay for the first thirty (30) days of accrued vacation.

(2) Sixty percent (60%) of the accrued leave days multiplied by the hourly rate of pay earned by the former employee at the time of the employee's termination.

(e) The former employee is entitled to continue to participate in the group health insurance program offered to state employees until the earliest of the following:

(1) The former employee is employed by an employer that provides health insurance benefits to its employees.

(2) One (1) year after the former employee's termination from state employment.

(3) The expiration of this SECTION.

(f) A former employee who participates in the state employee health insurance program under subsection (e) must pay the employee portion of the group health insurance program. The state shall pay the employer portion of the group health insurance program.

(g) This SECTION expires January 1, 2004.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) Not later than July 1, 2002, the department of workforce development shall establish and operate retraining programs for employees of the Madison state hospital who are terminated from employment due to any downsizing of the Madison state hospital.

(b) This SECTION expires July 1, 2003.

SECTION 8. [EFFECTIVE JULY 1, 2001 (RETROACTIVE)] (a) There is appropriated to the department of workforce development five hundred thousand dollars (\$500,000) from the state general fund for the period beginning July 1, 2001, and ending June 30, 2003, to carry out SECTION 6 of this act.

(b) This SECTION expires July 1, 2003.

SECTION 9. An emergency is declared for this act.



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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 217, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 217 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 3.

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ES 217—LS 6564/DI 98+



SENATE MOTION

Mr. President: I move that Senate Bill 217 be amended to read as follows:

Page 3, line 33, before "needs" insert "**capabilities and**".

Page 3, line 33, after "residents;" delete "and".

Page 3, line 38, delete "." and insert "; **and**

(C) are acceptable to the individual or the individual's representative.

SECTION 2. [EFFECTIVE MARCH 1, 2002, (RETROACTIVE)]
(a) Beginning March 1, 2002, the division of disability, aging, and rehabilitative services established by IC 12-9-1-1 shall provide a quarterly report regarding the status of the closure of Muscatatuck State Developmental Center to the commission on mental retardation and developmental disabilities.

(b) This SECTION expires July 1, 2005."

Renumber all SECTIONS consecutively.

NUGENT

(Reference is to SB 217 as printed January 18, 2002.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Senate Bill 217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SECTION 1. IC 2-5-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 27. Commission on Mental Retardation and Developmental Disabilities

Sec. 1. As used in this chapter, "commission" refers to the commission on mental retardation and developmental disabilities established under section 2 of this chapter.

Sec. 2. There is established the commission on mental retardation and developmental disabilities as a legislative study committee.

Sec. 3. (a) The commission consists of the following members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(3) The following members appointed by the governor:

(A) Three (3) members at large. Not more than two (2) members appointed under this clause may be members of the same political party.

(B) One (1) member who is a consumer of mental retardation or developmental disability services.

(C) One (1) member who is a representative of advocacy groups for consumers of mental retardation and developmental disability services.

(D) Two (2) members who are representatives of families of consumers of mental retardation and developmental disability services.

(E) One (1) member who is a representative of an organization providing services to individuals with mental retardation and developmental disabilities.



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(b) The term of a commission member appointed under subsection (a)(3) is three (3) years.

(c) The governor shall fill a vacancy of a member under subsection (a)(3) within ten (10) days after the vacancy occurs.

(d) If:

- (1) the term of a member appointed under subsection (a)(3) expires;
- (2) the member is not reappointed; and
- (3) a successor is not appointed;

the term of the member continues until a successor is appointed.

Sec. 4. The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet needs for mental retardation and developmental disability services, including the following:

- (A) Community residential and family support services.
- (B) Services for aging families caring for adult mentally retarded and developmentally disabled children.
- (C) Services for families in emergency or crisis situations.
- (D) Services needed to move children and adults from nursing homes and state hospitals to the community.

(3) Study and make recommendations for the state to contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

(6) Review and make recommendations regarding the implementation of the comprehensive plan prepared by the developmental disabilities task force established by P.L.245-1997, SECTION 1.

(7) Review and make recommendations regarding the development by the division of disability, aging, and rehabilitative services of a statewide plan to address quality

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assurance in community based services.

(8) Annually review the infants and toddlers with disabilities program established under IC 12-17-15.

Sec. 5. The commission shall operate under the policies governing study committees adopted by the legislative council.

Sec. 6. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

Sec. 7. This chapter expires January 1, 2005."

Page 3, line 19, after "and" insert "compliance with".

Page 4, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: P.L.272-1999, SECTION 67; P.L.242-2001, SECTION 3.

SECTION 5. [EFFECTIVE JULY 1, 2002] Notwithstanding IC 2-5-27-3, as added by this act, an individual who was appointed as a lay member of the Indiana commission on mental retardation and developmental disabilities in 2001 remains a member of the commission until:

(1) the member resigns; or

(2) January 1, 2004;

whichever is earlier."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 217 as reprinted January 25, 2002.)

LYTLE, Chair

Committee Vote: yeas 12, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the committee report of the Committee on Agriculture, Natural Resources and Rural Development adopted by the House of Representatives on February 14, 2002.

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 27. Commission on Mental Retardation and Developmental Disabilities

Sec. 1. As used in this chapter, "commission" refers to the commission on mental retardation and developmental disabilities established under section 2 of this chapter.

Sec. 2. There is established the commission on mental retardation and developmental disabilities as a legislative study committee.

Sec. 3. (a) The commission consists of the following members:

(1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(3) The following members appointed by the governor:

(A) One (1) member at large.

(B) One (1) member who is a consumer of mental retardation or developmental disability services.

(C) One (1) member who is a representative of advocacy groups for consumers of mental retardation and developmental disability services.

(D) Two (2) members who are representatives of families of consumers of mental retardation and developmental disability services.



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(E) One (1) member who is a representative of an organization providing services to individuals with mental retardation and developmental disabilities.

(F) Two (2) members who are representatives of a labor organization or union that represents state employees.

(b) The term of a commission member appointed under subsection (a)(3) is three (3) years.

(c) The governor shall fill a vacancy of a member under subsection (a)(3) within ten (10) days after the vacancy occurs.

(d) If:

(1) the term of a member appointed under subsection (a)(3) expires;

(2) the member is not reappointed; and

(3) a successor is not appointed;

the term of the member continues until a successor is appointed.

Sec. 4. The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet needs for mental retardation and developmental disability services, including the following:

(A) Community residential and family support services.

(B) Services for aging families caring for their children who are mentally retarded and developmentally disabled adults.

(C) Services for families in emergency or crisis situations.

(D) Services needed to move children and adults from nursing homes and state hospitals to the community.

(3) Study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

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(6) Review and make recommendations regarding the implementation of the comprehensive plan prepared by the developmental disabilities task force established by P.L.245-1997, SECTION 1.

(7) Review and make recommendations regarding the development by the division of disability, aging, and rehabilitative services of a statewide plan to address quality assurance in community based services.

(8) Annually review the infants and toddlers with disabilities program established under IC 12-17-15.

Sec. 5. The commission shall operate under the policies governing study committees adopted by the legislative council.

Sec. 6. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

Sec. 7. This chapter expires January 1, 2005."

Page 1, line 12, delete "closure" and insert "**downsizing**".

Page 2, line 6, delete "closing" and insert "**downsizing**".

Page 2, line 14, delete "closure" and insert "**downsizing**".

Page 2, line 34, delete "closure" and insert "**downsizing**".

Page 2, line 37, delete "all" and insert "**appropriate**".

Page 2, line 40, delete "closing" and insert "**downsizing**".

Page 2, between lines 40 and 41, begin a new line block indented and insert:

"(2) A plan for allowing all Muscatatuck State Developmental Center employees to remain in their current collective bargaining units and classifications with the same or similar wages and benefits as current state employees. An employer shall recognize the current labor organization or labor union as the exclusive representative of the employees."

Page 2, line 41, delete "(2)" and insert "**(3)**".

Page 3, line 2, delete "(3)" and insert "**(4)**".

Page 3, line 10, delete "closure" and insert "**downsizing**".

Page 3, line 11, delete "(4)" and insert "**(5)**".

Page 3, line 14, delete "(5)" and insert "**(6)**".

Page 3, line 17, delete "(6)" and insert "**(7)**".

Page 3, line 19, after "and" insert "**compliance with**".

Page 3, line 31, delete "all".

Page 4, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2002]: P.L.272-1999, SECTION 67; P.L.242-2001, SECTION 3.



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SECTION 4. [EFFECTIVE JULY 1, 2002] Notwithstanding IC 2-5-27-3, as added by this act, an individual who was appointed as a lay member of the Indiana commission on mental retardation and developmental disabilities in 2001 remains a member of the commission until:

- (1) the member resigns; or**
- (2) January 1, 2004;**

whichever is earlier.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "accrued leave" refers to the number of days the former employee had accrued as of the date of the employee's termination at the state agency for the following:

- (1) Vacation days exceeding thirty (30) days.**
- (2) Sick days.**
- (3) Personal days.**

(b) As used in this SECTION, "former employee" means an individual who:

- (1) was employed at a facility operated by a state agency;**
- (2) was terminated from employment after February 1, 2002, due to the closing or downsizing of the facility operated by the state agency; and**
- (3) is not an employee of a state agency.**

(c) As used in this SECTION, "state agency" includes the following:

- (1) The division of disability, aging, and rehabilitative services (IC 12-9-1-1).**
- (2) The division of mental health and addiction (IC 12-21-1-1).**
- (3) The state department of health (IC 16-19-1-1).**
- (4) The department of correction (IC 11-8-2-1).**

(d) A former employee is entitled to be paid an amount equal to the sum of the following:

- (1) Full pay for the first thirty (30) days of accrued vacation.**
- (2) Sixty percent (60%) of the accrued leave days multiplied by the hourly rate of pay earned by the former employee at the time of the employee's termination.**

(e) The former employee is entitled to continue to participate in the group health insurance program offered to state employees until the earliest of the following:

- (1) The former employee is employed by an employer that provides health insurance benefits to its employees.**
- (2) One (1) year after the former employee's termination from state employment.**



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(3) The expiration of this SECTION.

(f) A former employee who participates in the state employee health insurance program under subsection (e) must pay the employee portion of the group health insurance program. The state shall pay the employer portion of the group health insurance program.

(g) This SECTION expires January 1, 2004.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) Not later than July 1, 2002, the department of workforce development shall establish and operate retraining programs for employees of the Madison state hospital who are terminated from employment due to any downsizing of the Madison state hospital.

(b) This SECTION expires July 1, 2003.

SECTION 7. [EFFECTIVE JULY 1, 2001 (RETROACTIVE)] (a) There is appropriated to the department of workforce development five hundred thousand dollars (\$500,000) from the state general fund for the period beginning July 1, 2001, and ending June 30, 2003, to carry out SECTION 6 of this act.

(b) This SECTION expires July 1, 2003."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 217 as reprinted January 25, 2002, and as amended by the committee report of the Committee on Agriculture, Natural Resources and Rural Development adopted by the House of Representatives on February 14, 2002.)

BAUER, Chair

Committee Vote: yeas 20, nays 6.

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y

